



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

memorandum

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TO: Chief, Reference Operations Division

SEP 16 1997

FROM: Daniel M. Armstrong
Associate General Counsel

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

SUBJECT: Challenges to the Access Charge Reform, Price Cap, and Universal Service Orders Filed in Various Circuits.

DATE: August 20, 1997

ACCESS CHARGE REFORM

This is to advise you that the following Section 402(a) Petitions for Review have been filed challenging: Access Charge; Price Cap Performance Review for Local Exchange Carriers; Transport Rate Structure and Pricing and End User Common Line Charges, CC Docket Nos. 96-262, 94-1, 91-213 and 95-72, FCC 97-158 (released May 16, 1997) and Errata (released June 4, 1997). The Commission's Access Charge Reform Rulemaking order, among other things, amends the existing access charge rate structure requirements.

District of Columbia Circuit

1. GTE Service Corp., et al. v. FCC & USA, No. 97-1472
Filed: 8/8/97
2. Bell Atlantic Telephone Companies v. FCC & USA, No. 97-1476
Filed: 8/8/97
3. Public Service Commission of Nevada v. FCC & USA, No. 97-1478
Filed: 8/8/97
4. New York Telephone Co., et al. v. FCC & USA, No. 97-1480
Filed: 8/8/97

Sixth Circuit

5. Cincinnati Bell Telephone Company v. FCC & USA, No. 97-3888
Filed: 8/8/97

Eleventh Circuit

6. BellSouth Corporation and BellSouth Telecommunications, Inc. v. FCC & USA, No. 97-8802
Filed: 7/30/97

PRICE CAP

The following Section 402(a) Petitions for Review have been filed challenging: Price Cap Performance Review for Local Exchange Carriers; Access Charge Reform, CC Docket Nos. 94-1 and 96-262, FCC 97-159 (released May 21, 1997) and Errata (released June 6, 1997). The Commission Price Cap Performance Review rulemaking order, among other things, increases the productivity factor by which local exchange carriers must lower their rates each year (relative to inflation) to 6.5 percent.

District of Columbia Circuit

1. GTE Service Corp., et al. v. FCC & USA, No. 97-1471
Filed: 8/8/97
2. Bell Atlantic Telephone Companies v. FCC & USA, No. 97-1475
Filed: 8/8/97
3. Public Service Commission of Nevada v. FCC & USA, No. 97-1477
Filed: 8/8/97
4. New York Telephone Co., et al. v. FCC & USA, No. 97-1479
Filed: 8/8/97

UNIVERSAL SERVICE

The following Section 402(a) Petitions for Review have been filed challenging: Federal-State Joint Board on Universal Service, CC Docket No. 96-45, FCC 97-157 (released May 8, 1997). The Commission, after federal-state joint board proceedings, adopted a plan for a universal service support system in a competitive environment. The plan calls for explicit support from telecommunications carriers for service to low-income and rural customers and customers in high-cost areas, and for schools, libraries, and rural health providers.

District of Columbia Circuit

1. People of the State of California and the Public Utilities Commission of the State of California v. FCC & USA, No. 97-1465
Filed: 8/5/97

2. Public Service Commission of Nevada v. FCC & USA, No. 97-1474
Filed: 8/8/97
3. GTE Service Corp., et al. v. FCC & USA, No. 97-1488
Filed: 8/12/97
4. PanAmSat Corporation v. FCC & USA, No. 97-1491
Filed: 8/13/97
(This is the same petition for review that was filed in the Fifth Circuit. The attorney also filed in the D.C. Circuit out of an abundance of caution to ensure that the petition was filed in a court in which venue normally would be proper.)
5. Vermont Department of Public Service v. FCC & USA, No. 97-1507
Filed: 8/15/97

Second Circuit

6. People of the State of New York and The Public Service Commission of the State of New York v. FCC & USA, No. 97-4242
Filed: 8/14/97

Fifth Circuit

7. PanAmSat Corporation v. FCC & USA, No. 97-60421
Filed: 8/13/97
8. Louisiana Public Service Commission v. FCC & USA, No. 97-60421
Filed: 8/14/97
9. International Business Machines Corporation v. FCC & USA, No. 97-60421
Filed: 8/15/97

Sixth Circuit

10. Cincinnati Bell Telephone Company v. FCC & USA, No. 97-3889
Filed: 8/8/97

Eighth Circuit

11. Iowa Utilities Board v. FCC & USA, No. 97-3243
Filed: 8/15/97

The attorneys assigned to handle the litigation of the Access Charge and Price Cap cases are Christopher J. Wright, John E. Ingle and Laurence N. Bourne; and the attorneys assigned to handle the litigation of the Universal Service cases are Christopher J. Wright, John E. Ingle, Aaron J. Rappaport and James Rubin.

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